

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

X

SANDRA L. MACAULAY, AS ADMINISTRATRIX CIVIL ACTION
FOR THE ESTATE OF NO.
CHRISTOPHER A. MACAULAY,

Plaintiff

VS.

MASSACHUSETTS BAY COMMUTER
RAILROAD COMPANY,

Defendant

X

COMPLAINT

NATURE OF ACTION

1. The plaintiff brings this action against the defendant for injuries and death of the decedent while in the employ of the defendant Railroad.

JURISDICTION

2. This Court has subject matter jurisdiction in this case pursuant to the Federal Employers' Liability Act, 45 U.S.C. §51. Venue properly lies in this Court pursuant to 45 U.S.C. §56.

PARTIES

3. The decedent Christopher A. Macaulay was a citizen of the State of New Hampshire.

4. The plaintiff Sandra L. Macaulay is a citizen of the State of New Hampshire and is the duly appointed Administratrix of the Estate for Christopher A. Macaulay in the Probate District of Rockingham, New Hampshire, on February 28, 2007.

5. The defendant, Massachusetts Bay Commuter Railroad Company, (hereinafter referred to as defendant Massachusetts Bay or Railroad), is a railroad corporation duly established by law.

FACTS

6. The plaintiff adopts by reference and realleges each and every allegation set forth in paragraphs 1 through 5 of this Complaint with the same force and effect as if set forth under this cause of action.

7. During all times herein mentioned, the defendant Railroad was a common carrier engaged in the business of interstate commerce.

8. At the time of the decedent's death, he was employed by the defendant Railroad as a trackman.

9. At the time of the decedent's death, the defendant Railroad was engaged in interstate commerce and the decedent was employed in furtherance of said commerce.

10. On or about January 9, 2007, the decedent was engaged in his duties as a trackman in Woburn, Massachusetts, which yard, lines, tracks, rails, engines, trains, and all other equipment and appliances appurtenant thereto were operated and/or controlled and/or maintained by the defendant corporation.

AS AND FOR A FIRST CAUSE OF ACTION

The plaintiff adopts by reference and realleges each and every allegation set forth in paragraphs 1 through 10 of this Complaint with the same force and effect as if set forth under this cause of action.

11. The injuries and death of the decedent were caused by the negligence of the defendant Railroad, its agents, servants, or employees.

12. The injuries and death of the decedent were caused by the failure of the defendant Railroad, its agents, servants, or employees to use reasonable care to provide the decedent with a safe place in which to work.

13. As a result of the said injuries, the decedent was caused to suffer great physical pain, mental anguish, death, and has sustained damages.

14. As a result of the said injuries and death, the decedent has suffered lost wages and benefits and incurred medical expenses and funeral expenses.

15. As a result of said injuries and death, the decedent's capacity to earn wages and carry out life's activities and the value of life itself was permanently destroyed.

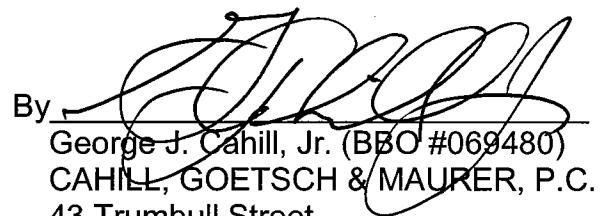
16. The decedent left him surviving, Sandra L. Macaulay, his widow, who is living and by reason of the death of her husband has been deprived of her means of support and has sustained pecuniary loss and damages.

17. The decedent left him surviving, his child, Baylee A. Macaulay (DOB: 07/30/2005) who is living and by reason of the death of the decedent, has been deprived of the care, guidance, society, comfort, protection, services and support of her deceased father and has sustained pecuniary loss and damages.

WHEREFORE, in order to fairly and justly compensate the estate of the decedent and thereby promote safe operating conditions on the defendant Railroad, the plaintiff demands a judgment for damages against the defendant Railroad in addition to any further relief the Court deems just and equitable.

PLAINTIFF DEMANDS TRIAL BY JURY.

By her attorneys,

By 
George J. Cahill, Jr. (BBO #069480)
CAHILL, GOETSCH & MAURER, P.C.
43 Trumbull Street
New Haven, Connecticut 06510
(203) 777-1000